

SPECIAL SESSION

JANUARY 21, 2014

The City Council of the City of Athens met in Special Session on Tuesday, January 21, 2014, 5:30 p.m. in the Council Chambers of the City Hall Annex with the following members present, to-wit:

Jerry D. Vaught, Mayor
Carol Barton
Elaine Jenkins
Monte Montgomery
Aubrey Jones

Pam Burton, City Administrator
Pam Watson, City Secretary
Conor Bateman, City Attorney

others present: Glen Herriage, Gary Crecelius, Buddy Hill, David Hopkins, Haven Cox, Rich Flowers, Wylie Pirkle, Martin Bennett, Ridge Tardy and other interested citizens;

constituting a quorum at which time the following proceedings were enacted, to-wit:

The invocation was given by Councilmember Jenkins.

DECLARATION OF CONFLICT OF INTEREST

No action was taken.

EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, SECTION 551.071: CONSULTATION WITH ATTORNEY; CONSULTATION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173RD JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS

The City Council adjourned to Executive Session.

The City Council returned to Special Session.

CONSIDERATION AND POSSIBLE ACTION REGARDING PENDING LITIGATION IN CAUSE NO. 2013A-1145, ATHENS MUNICIPAL WATER AUTHORITY V. CITY OF ATHENS IN THE 173RD JUDICIAL DISTRICT COURT, HENDERSON COUNTY, TEXAS

No action was taken.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE ADEQUACY OF THE JANUARY 13, 2014 PETITION FILED PURSUANT TO LOCAL GOVERNMENT CODE § 43.074 CONCERNING ABOLISHMENT OF THE ATHENS MUNICIPAL WATER AUTHORITY

City Administrator Pam Burton explained that the City Secretary has provided the City Council with a Certification concerning the Petition, and she read the following Certification aloud:

“I, Pam Watson, City Secretary of the City of Athens, Texas do hereby certify that I have verified the required number of signatures for the attached Petition, as presented to the City of Athens, Texas under the provisions of §43.074 (c) Texas Local Government Code. The required number of signatures is equal to at least 10 percent of the total votes cast at the most recent municipal election, with that requirement being 125 signatures.”

City Attorney Conor Bateman stated that the Certification is attached to a copy of the actual petition that was presented to the City of Athens on January 13, 2014.

CONSIDERATION AND POSSIBLE ACTION ON RECONSIDERATION AND
REPEAL OF ORDINANCE NO. O-01-14 ABOLISHING THE ATHENS
MUNICIPAL WATER AUTHORITY PURSUANT TO LOCAL GOVERNMENT
CODE § 43.074

Mayor Vaught stated that he personally could not make a motion to repeal this Ordinance. He expressed his feelings that the Council has absolutely made the best decision for the citizens of Athens, that dissolving A.M.W.A. was a good decision and the City Council should go forward with it. He stated that City staff has always operated, maintained, and overseen repairs at the Lake Athens dam, reservoir, water treatment facility, transportation facilities and all other facilities to afford water services to the residents of the City of Athens. He expressed his feelings that if the City has provided these services all of these years the City is able to continue to do so, with the best decision being to go forward with the dissolving of A.M.W.A.

Mayor Vaught stated that if the City goes forward with the dissolving of A.M.W.A., it needs to be understood by the citizens of Athens that the City is not taking A.M.W.A. funds and putting them in the City's General Fund, explaining that these funds would go into the Water Utility Fund and be designated to continue to maintain the water treatment plant, reservoir, dam and water needs for the citizens of Athens.

Councilmember Jones explained that if the dissolution of A.M.W.A. takes place, the use of the funds for water services will be required by law.

Councilmember Montgomery stated that he was in full agreement with Mayor Vaught's statements.

Councilmember Barton stated that she is also in full agreement and feels the City staff has done a wonderful job throughout the years.

Councilmember Jenkins stated that she concurred.

No action was taken due to lack of a motion.

CONSIDERATION AND POSSIBLE ACTION ON THE CALLING OF A
MUNICIPAL ELECTION REGARDING THE ABOLISHMENT OF THE
ATHENS MUNICIPAL WATER AUTHORITY PURSUANT TO LOCAL
GOVERNMENT CODE § 43.074. *Consideración y posible acción sobre el
llamando de una elección municipal con respecto a la abolición de la Autoridad
Municipal de Agua de Atenas consistente con Local Government Code § 43.074*

A motion was made by Councilmember Jones, seconded by Councilmember Jenkins to confirm the City's intent to call an election regarding the potential abolishment of the Athens Municipal Water Authority and to include this item in the Election Order for the May 10, 2014 Municipal Election. The motion carried unanimously.

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS THE 10TH DAY OF FEBRUARY, 2014.

ATTEST:

Jerry D. Vaught, Mayor

Pam Watson, City Secretary